

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
ALTEP117First named inventor: GrignettiApplication No.: 09/818,415Filed: March 27, 2001Art Unit: 2157Examiner: Hussein A. El ChantiTitle: **BROWSER SYSTEM AND METHOD**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of an amendment (identify type of reply):

☐ has been filed previously on 03/19/2010 SDENR0B3 00000011 09818415

☒ is enclosed herewith.

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1620.00 0P

- B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

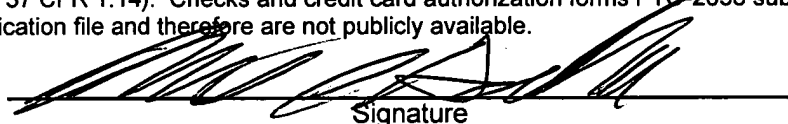
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Michael L. Gencarella, Esq.

Type or Printed name

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Address

Sunnyvale, CA 94085

Address

March 12, 2010

Date

44,703

Registration Number, If applicable

408/774-6921

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 12, 2010

Date


Signature

Michael L. Gencarella, Esq.

Typed or printed name of person signing certificate



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Alejandro M. Grignetti

Application No: 09/818,415

Filed: March 27, 2001

For: Browser System and Method

) Examiner: Hussein A. El-chanti

) Art Unit: 2157

) Confirmation No.: 1371

) Date: March 12, 2010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on March 12, 2010.

Signed: _____

Michael L. Gencarella

STATEMENT OF FACTS SUPPORTING A PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is a review of the original case file for U.S. Patent Application No. 09/818,415 and a review of the factual timeline of events that are relevant to a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. §1.137(b). The scope of this review includes documents and other related materials that were held in the original case file. The original case file, as noted below, was transferred to the undersigned in an abandoned state and only contained the application and a file receipt, with no other accompanying papers.

On March 27, 2001, a patent application titled "BROWSER SYSTEM AND METHOD" (U.S. Patent Application No. 09/818,415) was filed with the U.S. Patent & Trademark Office by the law firm Squire, Sanders and Dempsey on behalf of Frontpath (the original assignee).

In March 2003, Frontpath filed for Bankruptcy. On April 30, 2003, Squire, Sanders and Dempsey withdrew as the attorney of record and a change of correspondence was filed listing Fenwick and West as the law firm to direct all future correspondence. This request was granted on June 3, 2003 by the US Patent and Trademark Office.

During October/November 2003, Trepton Research Group, a subsidiary of ALTERA Corporation acquired the rights to U.S. Patent Application No. 09/818,415, through a bankruptcy purchase of the assets as evidenced by the assignment recorded on November 13, 2003. The existing file, which included the application and the filing receipt, only had references to Squire, Sanders and Dempsey as the current attorney of record and neither ALTERA Corporation nor Trepton Research Group had knowledge that Fenwick and West was the current attorney of record or that Squire, Sanders and Dempsey had withdrawn from handling the prosecution of this matter. Squire, Sanders and Dempsey was requested to forward all correspondence for the matter to Trepton Research Group.

On August 13, 2004, the U.S. Patent & Trademark Office mailed an Office Action to the law firm of Fenwick and West. This Office action was never forwarded to nor received by ALTERA Corporation or Trepton Research Group. The original

Assignee, Frontpath, had filed for Bankruptcy in March 2003 and Fenwick and West was unaware of the purchase of the Assets by Trepton Research Group. In addition, Trepton Research Group was not informed that Squire, Sanders and Dempsey had withdrawn from handling the prosecution of this matter and the transferred file did not contain the request for withdrawal.

On June 29, 2005 a Notice of Abandonment for failure to respond to the outstanding Office action was sent to the Law Firm of Fenwick and West by the U.S. Patent & Trademark Office. The Notice of Abandonment was never forwarded to nor received by ALTERA Corporation or Trepton Research Group, as Fenwick and West was unaware the purchase of the assets by Trepton Research Group.


On July 11, 2006, the law firm of Martine Penilla and Gencarella LLP (MPG) filed a power of attorney and change of correspondence, after being instructed by ALTERA Corporation to take over the prosecution of the application on July 6, 2006. The filing was accepted by the US Patent Trademark Office on July 17, 2006, however, the application was abandoned at that point and ALTERA Corporation and MPG were unaware of the abandonment.

During a review of outstanding applications without office actions in December 2009, Altera Corporation and MPG identified the present application as being abandoned for failure to respond to the office action of August 13, 2004.

During February 2010, Altera Corporation authorized MPG to prepare a response to the outstanding office action and to file a petition to revive the application as the application was abandoned unintentionally.

The above statement of facts have been provided to show that there was no intent to abandon the 09/818,415 application. Accordingly, this statement of facts supports the reason why the Office should revive the application under 37 C.F.R. §1.137(b).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



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